



State of Indiana  
Indiana Department of Correction

Effective Date

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02-01-106

**POLICY AND ADMINISTRATIVE  
PROCEDURE**  
**Manual of Policies and Procedures**

Title

**OFFENDER ASSIGNMENTS AND PAY SCHEDULES**

Legal References (includes but is not limited to)	Related Policies/Procedures (includes but is not limited to)	Other References (includes but is not limited to)
IC 11-8-2-5(A)(8) IC 11-10-6-1 through IC 11-10-6-3 IC 11-10-7-1 through IC 11-10-7-5 IC 11-10-8-1 through IC 11-10-8-6	00-02-201 01-01-101 01-04-101 02-01-110 02-02-102 04-01-104	ACA:  ACI: 4-4448, 4-4449, 4-4451, 4-4453, 4-4455, 4-4461, 4-4462

I. PURPOSE:

The purpose of this policy and administrative procedure is to establish pay schedules and procedures for work assignments for offenders performing work in the facilities, not including PEN Industries operations or offenders assigned to a Work Release program.

II. POLICY STATEMENT:

The Department of Correction shall develop and maintain offender assignments and wage schedules that:

- Promote a positive offender work ethic;
- Prepare an offender for release to the community; and,
- Provide a continuum of educational services and work opportunities that assist in the management of a facility and provide a linkage to jobs managed by PEN Industries.

The Department shall provide a variety of assignments for offenders to enhance reading, writing, communication, social, life skills, good work habits, and positive work attitudes. The Department shall develop a comprehensive offender assignment strategy that establishes as an objective, the opportunity for each offender to participate in educational programs, offender self-improvement programs, facility operations, and/or work assignments.

The offender assignment strategy shall encourage offenders to develop skills necessary for meaningful employment through a comprehensive offender Case Plan that ultimately prepares the offender for release to the community.

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Eligible offenders are to receive an assignment that meets the needs of the offender Case Plan, consistent with a variety of factors including, but not limited to, the following:

- A. Public safety and other security concerns;
- B. The individual needs of an offender;
- C. Availability of departmental resources;
- D. Prior work experience and training of an offender;
- E. Eligibility requirements for a specific assignment;
- F. Needs of the Department; and,
- G. Institutional conduct of the offender.

The Department shall develop offender schedules that consist of at least six and one-half (6.5) hours of organized activities per day, to establish a discipline and ethic that will promote successful community Re-Entry.

### III. DEFINITIONS:

For the purpose of this policy and administrative procedure, the following definitions are presented:

- A. **ADMISSIONS / ORIENTATION:** A temporary assignment that provides a Department facility the ability to classify an offender, determine an offender's program needs and inform the offender about the facility's rules, procedures and operations.
- B. **ASSIGNMENT:** The placement of an offender by an authorized staff person or committee into an offender self-help program, education curriculum, facility operation position or employment with PEN Industries.
- C. **ASSIGNMENT AREA:** A program or work location in which an offender may be placed by an authorized staff person or committee.
- D. **ADMINISTRATIVE HOLD:** A temporary assignment made by a facility based upon a safety and security assessment due to an unusual or traumatic circumstance that could adversely affect an offender's behavior or judgment (e.g., news concerning the death of a loved one, notification of a pending criminal charge or internal investigation). An Administrative Hold decision is not to extend longer than seven (7) calendar days.
- E. **ADMINISTRATIVE IDLE:** A classification assignment made by a facility in which an offender is not assigned to a treatment or self-help program, educational program, facility operational position or employment, even

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though the offender may be eligible through no fault of the offender based upon the operational and security needs of a facility.

- F. **CLASSIFICATION:** The systematic subdivision of offenders into groups based on the needs of the offender, the facility, the public and the existing resources from the date of commitment to discharge. Classification includes security, custody and program assignments.
- G. **DISCIPLINARY HEARING HOLD** (formerly Conduct Adjustment Board): A status designated by a Warden to temporarily hold or restrict an offender's access to a treatment or self-help program, a facility operational position or employment pending a disciplinary hearing.
- H. **DEATH ROW:** A specialized housing assignment for an offender who is committed to the Department by an Indiana court with a sentence of death.
- I. **HOLD PENDING INVESTIGATION:** A status similar to administrative restrictive housing; a temporary assignment pending the outcome of an investigation as ordered by the Warden.
- J. **IDLE:** A classification status in which an offender does not have an assignment in a treatment or offender self-help program, educational program, facility operational position, or employment due to the offender's refusal to participate, previous termination from an offender assignment, or due to offender's ineligibility for an assignment because of the offender's conduct.
- K. **INFIRMARY/HOSPITAL PATIENT:** A status assigned when an offender is admitted to a facility infirmary.
- L. **JOINT PRIVATE BUSINESS PARTNERSHIP:** A business arrangement approved by the Commissioner that provides employment for adult offenders with a private business on the grounds of a correctional facility, in which the offender is paid a wage comparable for the job, as paid in the community.
- M. **MEDICAL IDLE:** A long-term medical status in which the offender has been ordered by a medical doctor not to work or participate in other facility activities, programs, or assignments, except as ordered.
- N. **MEDICAL LAY-IN:** A temporary status prescribed by a Health Care professional for a brief period of time.

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- O. **OFFENDER:** An adult or juvenile person committed to a department of correction (federal, state, or local) and housed or supervised in a facility either operated by the department of correction or with which the department of correction has a contract, including an adult or juvenile under parole supervision; under probation supervision following a commitment to a department of correction; in a minimum security assignment, including an assignment to a community transition program.
  - P. **OFFENDER WITH DISABILITY:** Any offender encumbered with impairments or disabilities, as confirmed by Health Services staff and noted by Classification staff, due to physical or mental limitations, including learning disabilities confirmed by the facility's Education Services which may impact the offender's ability to perform certain work or program assignments.
  - Q. **OUT TO COURT, OUT TO A COMMUNITY HOSPITAL, OUT TO JAIL, OUT TO TEMPORARY LEAVE AND SICK CALL:** These are all assignments that explain why an offender is not working or participating in self-help or treatment programs, education, or facility operational positions.
  - R. **SHOP LAY-IN:** A status that is used when production at a work assignment is down or when a supervisor or work foreman or educational instructor or self-improvement coordinator is unavailable.
  - S. **SKILL LEVEL DESIGNATION:** The degree of education, work experience or demonstrated knowledge needed by an offender to perform a particular assignment. The skill level designation forms the basis of the assignment and the wage rate. (See Attachment 1)
  - T. **STATE WAGES:** The incentive provided to an offender to participate and successfully perform an assignment or to remain in a job eligible classification until another assignment can be made, not including pay for PEN Industries assignments, joint venture assignments or employment in the Work Release/Community Re-Entry Center Program.
- IV. **CRITERIA FOR OFFENDER ASSIGNMENT:**

Except for offenders condemned to death or committed without the possibility of parole, the development of an offender's Case Plan shall begin on the date the offender is received within the Department. Any offender assignment is to be based upon the following:

- A. Public safety;
- B. Facility security and management;

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- C. The identified risk level and needs of an offender as indicated in the intake and admission assessment and contained in the offender’s Case Plan; and,
- D. Availability of departmental resources.

Offenders shall be expected to participate in any assignments as instructed by staff. Failure to participate in program assignments may impact the offender’s State wages and other assignments and may result in disciplinary action. Certain assignments may be mandatory (e.g., SOMM programming) and the failure of the offender to participate in this programming shall result in a disciplinary action in accordance with the administrative procedure for Policy 02-04-101, “The Disciplinary Code for Adult Offenders.”

V. PHILOSOPHY OF OFFENDER ASSIGNMENT:

Any offender assignment is to complement the security and operation of a facility as well as approximate the conditions and expectations that exist in the community for a similar activity. An offender assignment is to provide the competency, skill development, self-discipline and self-confidence for an offender that will assist in the offender’s Re-Entry.

An offender assignment is a privilege that may be taken away based upon the decision of staff and consistent with disciplinary and classification policies and administrative procedures. Classification decisions are to use the offender’s Case Plan as a blueprint for assignment provided resources are available and the offender is eligible for a specific assignment. Ideally, an offender is to participate in work, facility operations, offender improvement and educational assignment activities at least six and one-half (6.5) hours per day.

VI. ESTABLISHMENT OF AN OFFENDER ASSIGNMENT PLAN:

It is the responsibility of the Warden or designee to develop a Comprehensive Assignment Plan for the facility. The plan is to identify the number of offenders assigned to the facility and provide a breakdown of offenders that will be assigned to each of the following:

- Offender self-improvement programs;
- Education;
- Facility operations; and,
- Employment with PEN Industries, if applicable.

For purpose of this policy and administrative procedure, it is expected that each eligible offender shall be assigned to perform activities in one or more of these assignment areas for approximately six and one-half (6.5) hours per day.

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The Offender Assignment Plan shall consist of the following information:

- A. A brief overview of the facility by security classification, number of offenders, rated bed capacity, operational capacity, and staff, by departments.
- B The number of offenders assigned to the facility by classification assignment:
  - 1. Admission and Orientation;
  - 2. Administrative Restrictive Status;
  - 3. Disciplinary Restrictive Status;
  - 4. Protective Custody;
  - 5. Education;
  - 6. Facility operations;
  - 7. Offender self-improvement programs; and,
  - 8. PEN Industries employment
- C. The number of eligible offenders who are not performing six and one-half (6.5) hours of activities per day; and,
- E. Systemic issues that must be resolved on a departmental basis by the Commissioner or Executive Staff.

The appropriate Regional Director or Executive Director of Youth Services shall review the plan prior to submission to the Deputy Commissioner. It is the responsibility of the Regional Director to ensure that the plan is completed in accordance with this policy and administrative procedure and that the plan is submitted in a timely manner.

**VII. ASSIGNMENT OF OFFENDERS:**

Offender assignments shall be made based upon the safety and security of the facility and the public, the needs of the facility and the eligible offender's verifiable skills and experience. Administrative decisions and the provision of access to programs and assignments shall be made without regard to an offender's race, religion, national origin, sex, disability, or political views. The Warden shall ensure that each eligible offender is provided an equal opportunity to request an assignment.

All offender work assignments shall be posted so that all offenders will be aware of the assignment and instructed how they may apply for the assignment. The specific offender work assignment job description shall be used for this posting.

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When an offender is assigned to a work assignment, the offender shall review the job description for that assignment with the assignment supervisor. The offender shall sign a copy of the job description indicating that he/she understands the requirements of the work assignment. A copy of the job description with the offender's signature shall be filed in the offender's facility packet. The offender shall be given a copy of the job description.

**VIII. SUPERVISION OF OFFENDERS:**

Staff shall ensure that all offenders at work assignments are properly supervised. Offenders who are assigned to a work assignment within the secured perimeter of a facility shall be under the direct supervision of staff at all times. Staff shall be required to maintain visual or auditory contact with offenders in these work assignments at all times. Staff may be permitted to observe offenders through glass windows or doors if necessary and shall, at least every 30 minutes, visually observe the offenders in the work assignment.

Offenders who are assigned to an Out-Custody work assignment shall be supervised in accordance with Policy and Administrative Procedure 02-01-117, "Outside Offender Work Crews."

**At no time shall an offender, or group of offenders, be given control or authority over other offenders.**

Offenders who are assigned tools at their work assignments shall be supervised as directed in the administrative procedure for Policy 02-03-107, "Tool Control."

**IX. ESTABLISHMENT OF A UNIFORM OFFENDER WAGE SCALE:**

Each offender shall be paid in accordance with this policy and administrative procedure. Establishment of an offender wage scale is the joint responsibility of the Deputy Commissioners and the Chief Financial Officer. The Commissioner is the sole authority to approve any wage scale proposal prior to submission to the Director of the State Budget Agency. Changes to the offender wage scale shall be communicated minimally sixty (60) calendar days prior to the effective date of the change. The offender wage scale is to include the range scale for all assignments managed by the Department, including:

- A. Offender self-improvement programs;
- B. Education programs;
- C. Facility operations; and,
- D. Employment with PEN Industries.

The wage scale shall be represented in grades and shall be made an attachment to

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this policy and administrative procedure (See Attachment 2). Offenders assigned to a work assignment with PEN Industries that is not a joint venture, shall be paid a wage in accordance with the PEN Industries Operating Standard. The wage scale shall also identify assignments in which “no pay” is authorized and approved. In establishing the wage scale, the facilities shall approximate the following percentages when determining the pay grade for facility assignments: Grade 1 – 5%; Grade 2 – 20%; Grade 3 – 25%; Grade 4 – 50%.

An offender assigned to a joint business partnership managed by PEN Industries at a specific facility shall be paid a comparable wage as found in the community for a similar job as established by the Department of Workforce Development, including applicable wages and increases for overtime work. The offender shall be required in accordance with statute to contribute to:

- Room and board;
- Violent Crime Victim’s Compensation Fund;
- Applicable federal, State and local taxes;
- Social Security deductions;
- Child support;
- Court ordered fines and restitution; and,
- Other deductions authorized by statute or a Court.

An offender who does not have a court order to pay support to his/her family shall be encouraged by staff to contribute voluntarily to the support of his/her dependents or family members, consistent with Policy and Administrative Procedure 04-01-104, “Inmate Trust Fund.”

**X. SPECIAL STATE WAGES CONSIDERATIONS:**

Offenders assigned to certain types of assignments may or may not be paid State wages depending upon the assignment of the offender. The following indicates various types of assignments that offenders may be given and the pay status of the assignment:

- A. Offenders assigned to Admissions/Orientation status or a Department Intake Unit shall be in Grade 6 status until the offender has been classified and made available for a work assignment.
- B. An offender placed on Administrative Hold status shall retain the same pay status as was in effect prior to this assignment. An offender assigned to employment with PEN Industries and placed on Administrative Hold shall be paid at a state pay rate consistent with the PEN Industries Operating Standard.



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- C. An offender classified to an Administrative Idle status, but who is otherwise work assignment eligible, shall be paid in accordance with the attached pay grades.
- D. An offender assigned to Disciplinary Hearing Hold (formerly Conduct Adjustment Board) status shall not receive State pay.
- E. An offender placed in a Hold Pending Investigation status shall receive no State wages.
- F. An offender who has been classified to Idle status shall receive no State wages.
- G. An offender who is on Shop Lay-In status shall receive no State wages while in this status. If the offender is assigned to multiple assignments in which he/she receives a state wage, the offender will be eligible for State wages if the offender reports to the other assignments as instructed.
- H. An offender who goes to sick call rather than to a work or program assignment shall receive no State wages for the period of time the offender is away from the approved assignment. If the offender can return to the assignment, the offender shall be eligible for State wages for the hours actually worked.
- I. When a facility implements any level of lockdown as indicated in the administrative procedure for Policy 02-03-109, "Lockdowns," all State wages shall be suspended, except for offenders who are permitted to continue to participate in a work or program assignment during the lockdown. Following a lockdown, State wages shall commence as an offender is released from lockdown status and returned to a former work or program assignment. An offender shall be paid at the same State pay rate as before the lockdown, if the offender still meets all work or program assignment eligibility criteria.
- J. If an offender is assigned to Administrative Hold, Administrative Restrictive Status or Disciplinary Hearing Hold status pending a disciplinary hearing and the offender is subsequently found "not guilty," the case is dismissed, or the case overturned on appeal, the offender shall be reimbursed for lost State wages at either the State wage rate paid to the offender prior to being placed in the "no pay" status, or at the lowest State pay rate for which the offender is eligible if previously assigned to a PEN Industries work assignment, in accordance with the PEN Industries Operating Standard. These offenders shall be eligible for reimbursement

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of State wages lost in accordance with the administrative procedure for Policy 02-04-101. The reimbursed wages shall be for the period of time from the date when the offender was removed from an assignment for which he/she was receiving State wages until the date that the disciplinary hearing was actually held.

The Disciplinary Hearing Body/Hearing Officer shall advise the Supervisor of Classification in these cases and the offender shall be returned to the previous assignment eligibility status as soon as possible and shall be given priority for a work assignment. (NOTE: Generally, an offender should not be removed from an assignment pending a disciplinary hearing unless the offender presents a clear threat to the safety and security of the facility. Additionally, an offender shall not be determined to be ineligible for a work assignment simply because the offender has been charged with a violation of the Offender Disciplinary Code or is pending investigation unless the offender's presence in the offender population and/or at the work assignment presents a clear threat to the safety and security of the public or the facility. A finding of guilt of a Class A or B violation shall not necessarily make an offender ineligible for a work assignment unless the finding of guilt clearly shows that the offender is a threat to the safety and security of the facility or others.)

- K Offenders who were receiving State wages and who are transferred to a full-time facility transition program, other than the Work Release Program, shall be paid at the Grade 2 rate. If the offender is not transferred to a full-time transition program, but continues to have another work or program assignment, the offender shall continue to receive the normal pay for that work assignment. If the offender was not receiving State pay prior to transfer to the facility transition program, the offender shall be paid at the Grade 2 rate. Offenders who were assigned to a PEN Industries operation immediately prior to the transfer to the transition program shall be paid at the Grade 2 rate.
- L. Offenders assigned to special units, such as the therapeutic communities, CLIFF Units, and PLUS Units, shall be paid at the Grade 3 rate, unless the offender is assigned to a job assignment that pays at a higher pay grade.

XI. ACTIVITY SCHEDULE:

Offender activity hours within a facility shall approximate the hours and the conditions that exist for that activity typically found within a community consistent with facility safety and security. When possible, a day shall be structured to provide for at least six and one-half (6.5) hours of organized activities per day. A

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combination of assignments is acceptable to promote this schedule.

Activity schedules shall be governed by the following basic principles:

- A. Second and/or third shifts, rotating schedules and evening activities are acceptable means to increase activities for offenders;
- B. Normal activity schedules shall allow offenders to have two (2) days off for each seven (7) day period;
- C. Shop rosters may designate and have approved, a limited number of assignments, usually those demanding more specific work skills, as six (6) or seven (7) day assignments;
- D. Offenders assigned to a work assignment on a call-out basis on weekends and holidays shall receive wages commensurate with the amount of time worked. Payment shall not be made if an offender is not called out for work;
- E. At the discretion of the Warden or designee, offenders who are assigned on a call-out basis may be paid for the time worked, or the offender may have their schedule adjusted similar to the manner in which compensatory time is managed for staff;
- F. Offenders who are required to work beyond the normal working hours (overtime) shall be paid for the amount of time worked. The offender shall be paid at the regular hourly rate for the additional time worked; and,
- G. It is the responsibility of each supervisor to maintain accurate wage logs for the offender, based upon the approved rate and consistent with the total number of hours worked. If an offender is assigned to two (2) or more activities to equal the six and one-half (6.5) hours per day, each supervisor is to ensure that the appropriate wage rate and number of activity hours form the basis for the wages paid.

## **XII. WARDEN RESPONSIBILITIES:**

The Warden is ultimately responsible for the management of the facility. The Warden may delegate any of the following responsibilities related to offender assignment:

- A. The development of complete rosters for each offender assignment activity;

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- B. The development of each offender assignment, including the recommended skill level, education and experience required for the assignment within the facility and a written job description for each assignment;
- C. All proposals to establish or delete an offender assignment;
- D. Development of a systematic method to place offenders in assignments in the facility through the Classification system, including posting all offender assignments for viewing by the offender population, the receipt of requests from offenders concerning an interest in a specific assignment, the screening of offenders based upon established eligibility criteria, arranging and conducting interviews for assignments, receipt of Health Care clearance for specific assignments and the receipt and review of all offender performance evaluations (NOTE: Offender requests for assignments to programs or work assignments are to go through the offender's Unit Management Team to ensure that the offender qualifies for the assignment and that the assignment complies with the offender's Case Plan);
- E. Maintenance of monthly pay records for each assignment, other than employment with PEN Industries, based upon the pay grades presented in Attachment 1;
- F. Assignment of appropriate pay to each offender except for those offenders employed by PEN Industries;

**XIII. RECORD-KEEPING:**

- A. The forms used to post and record offender assignments shall be in accordance with the administrative procedure for Policy 02-01-110, "Offender Accountability";
- B. Offender assignment descriptions shall contain the following:
  - 1. Skill level designation;
  - 2. Necessity for Health Services clearance;
  - 3. Educational requirements;
  - 4. Experience requirements; and,
  - 5. Complete description of the assignment to be accomplished;
- C. Assignment postings shall be placed in common areas available to all non-Restrictive Status Housing offenders, as well as provided to all Unit Teams. The description may be used for this purpose, or as a vacancy list, provided the brief description is stated in addition to the skill level, age, education requirements, experience requirements, the necessity for Health Care

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clearance, and if applicable, the normal hours for the assignment per week. The offender may bid on a specific job for which the offender feels qualified, or may be assigned to a specific activity based upon the needs of the facility and the decision of staff;

- D. All procedures and forms specified in the administrative procedure for Policy 01-04-101, "Adult Offender Classification" shall be used in the classification of offenders to an assignment and in the evaluation of the offender's performance. Placement in an assignment shall be consistent with the administrative procedure for Policy 01-04-101;
- E. Supervisors shall maintain and certify offender pay records by a Weekly Offender Time Record. These forms shall be submitted to the office of the Supervisor of Classification and/or the facility Business Office in accordance with administrative procedures and the facility's operational procedures.
- F. Daily record keeping concerning the hours in which the offender participated in an assignment may be maintained in a convenient manner. State Form 27369, "Duty Roster," or State Form 31357, "Daily In/Out Record," may be used for this purpose. The supervisor of the assignment area is responsible for the accuracy of this daily record keeping process.
- G. The offender is to be paid for each hourly segment that the offender is participating in the assigned activity. If the offender does not perform at least thirty (30) minutes of the responsibilities pertaining to the assignment, the offender is not to be paid for the hourly segment. (Example: An offender is not present for twenty (20) minutes at a work assignment so the offender works for forty (40) minutes during the hour. The offender will be paid for the full hour. An offender who works for twenty (20) minutes and then does not work for forty (40) minutes of the hour shall not be paid for that hour. However, the offender shall be paid for any previous or subsequent hours that are worked.)

**XIV. WORK RELEASE/COMMUNITY RE-ENTRY CENTERS AND PEN INDUSTRIES JOINT VENTURE PROGRAMS:**

Offenders classified to a Work Release/Community Re-Entry Center program or assigned to a PEN Industries Joint Venture program shall not be provided State wages. These offenders are expected to obtain and retain employment at a pay rate commensurate with other employees that perform comparable work in the community. In no circumstance shall an offender be paid less than the minimum wage indicated by federal and State guidelines. Offenders participating in a Work Release/Community Re-Entry Center program or PEN Industries Joint Venture are

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not exempt from participating in housekeeping, food service, facility maintenance or other assignments.

Offenders assigned to a Work Release/Community Re-Entry Center as a “Special Assignment” offender shall be provided State pay wages in accordance with the attached pay grades.

XV. AUDITS:

Annually, each Warden shall conduct an audit of offender assignments within the management control of the Warden. This audit shall be conducted in June of each year, and a report of the findings shall be forwarded to the appropriate Regional Director for review and approval. The Regional Director shall advise the Deputy Commissioner of Operations of this report and any concerns or issues in need of consideration. The audit is to determine whether the offender assignments are appropriate or whether new assignments should be established. This determination shall be made after consultation with the Deputy Commissioner of Re-Entry and Programs concerning educational offerings, and the Deputy Commissioner of Administration for PEN Industries expansions or modifications.

It is the responsibility of the Deputy Commissioner of Operations or designee to prepare a review and summary of the offender wage scale on a biennial basis. The review and summary shall be prepared by June 30 of each year ending in an even number and shall be submitted to the Commissioner for final determination.

XVI. APPLICABILITY:

This policy and administrative procedure is applicable to all Department facilities in which offenders are housed, including adult and Division of Youth Services facilities. Intake units shall not be required to pay an offender in those units unless the offender is permanently assigned to the unit and the offender is assigned to complete specific responsibilities associated with a particular offender assignment.

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signature on file  
Robert E. Carter, Jr.  
Commissioner

\_\_\_\_\_  
Date